

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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| MICHAEL NORRIS, | : | No. 1:13-cv-00048 |
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| Plaintiff, | : | |
| | : | |
| | : | |
| vs. | : | ORDER |
| | : | |
| | : | |
| ARIFF MEHTER, et al., | : | |
| | : | |
| Defendants. | : | |

This matter is before the Court on the March 10, 2014 Report and Recommendation (doc. 26) of Magistrate Judge Stephanie K. Bowman, to which there has been no objection.

The procedural and factual backgrounds of this case are well-detailed in the Magistrate Judge's most recent Report, and the Court will not reiterate them here. In brief, however, remaining Defendant the City of Cincinnati has filed a motion to dismiss (doc. 18) Plaintiff's Amended Complaint (doc. 16), which Plaintiff has opposed (doc. 24). The Magistrate Judge has reported that, even though "relatively few factual allegations" underpin Plaintiff's claims, she "do[es] not find the claims to be so conclusory—or the material facts so undisputed—that Plaintiff's complaint [be] subject to dismissal for failure to state a claim either on the pleadings, or in consideration of the single exhibit offered by Defendant in support of its motion

to dismiss" (see doc. 26 at 11). She recommends, therefore, that Plaintiff be entitled to proceed with discovery and that, upon completion of discovery, Defendant re-file its motion under Fed. R. Civ. P. 56 if, at that juncture, it believes there is no genuine dispute as to any material fact and that it is entitled to judgment as a matter of law. To this end, the Magistrate Judge also recommends that Defendant's pending motion to dismiss be denied.

Proper notice of this Report and Recommendation was provided to the parties under 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), including the advice that they would waive further appeal if they failed to file an objection in a timely manner.¹ As recited above, no objections were filed. Having reviewed this matter pursuant to 28 U.S.C. § 636(b)(1), we conclude that the March 10, 2014 Report and Recommendation by Magistrate Judge Bowman (doc. 26) is thorough, well-reasoned and correct. Accordingly, the Court ACCEPTS, ADOPTS AND AFFIRMS it. Therefore, the Motion to Dismiss Plaintiff's Amended Complaint by Defendant the City of Cincinnati (doc. 18) is hereby DENIED.

SO ORDERED.

Dated: April 3, 2014 s/S. Arthur Spiegel
 S. Arthur Spiegel
 United States Senior District Judge

¹ See Thomas v. Arn, 474 U.S. 140, 155 (1985); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981).